

From: [Curtin, James](#)
To: [Neugeboren, Steven](#)
Cc: [Schroer, Lee](#); [Srinivasan, Gautam](#); [Horwitz, Sylvia](#)
Subject: FW: Changes to West Virginia's NPDES Program
Date: Tuesday, April 14, 2015 6:27:00 PM
Attachments: [71 Ps SJ opp memo.pdf](#)

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Jim

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From: Garbow, Avi
Sent: Tuesday, April 14, 2015 6:14 PM
To: Curtin, James; Shamet, Stefania
Subject: FW: Changes to West Virginia's NPDES Program

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From: Jim Hecker [<mailto:JHecker@publicjustice.net>]
Sent: Tuesday, April 14, 2015 3:33 PM
To: Neugeboren, Steven; Garbow, Avi; Wall, Tom; Mitchell, Stacey; Horwitz, Sylvia
Cc: Joe Lovett; Jennifer Chavez; Peter Morgan
Subject: RE: Changes to West Virginia's NPDES Program

On April 3, I sent you Fola's summary judgment brief in the pending case that is going to trial this June. Fola argues, in part, that the effect of the two new West Virginia statutes, HB 2283 and SB 371, is to bar our claims under the CWA and SMCRA.

Attached is the brief that we filed yesterday in response to Fola's arguments about these statutes. See pages 11-31.

Thanks,

Jim Hecker
Public Justice

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